

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PEYMAN PAKDEL; SIMA CHEGINI,
Plaintiffs-Appellants,

v.

CITY AND COUNTY OF SAN
FRANCISCO; SAN FRANCISCO BOARD
OF SUPERVISORS; SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS,
Defendants-Appellees.

No. 17-17504

D.C. No.
3:17-cv-03638-
RS

ORDER

On Remand from the United States Supreme Court

Filed August 6, 2021

Before: Ronald M. Gould, Carlos T. Bea, and
Michelle T. Friedland, Circuit Judges.

Order

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COUNSEL

Jeffrey W. McCoy, James S. Burling, and Erin E. Wilcox, Pacific Legal Foundation, Sacramento, California; Paul F. Utrecht, Utrecht & Lenvin, LLP, San Francisco, California; Thomas W. Connors, Black McCuskey Souers & Arbaugh, LPA, Canton, Ohio; for Plaintiffs-Appellants.

Kristen A. Jensen and Christopher T. Tom, Deputy City Attorneys; Dennis J. Herrera, City Attorney; City Attorney's Office, City and County of San Francisco, San Francisco, California; for Defendants-Appellees.

ORDER

The Supreme Court has vacated the previous judgment in this case and remanded the case for further proceedings. *Pakdel v. City & County of San Francisco*, 141 S. Ct. 2226 (2021). The Supreme Court also suggested that Plaintiffs' takings theories should be reevaluated in light of its decision in *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021). *See Pakdel*, 141 S. Ct. at 2229 n.1.

Accordingly, the panel opinion, 952 F.3d 1157 (9th Cir. 2020), and the accompanying memorandum disposition, 798 F. App'x 162 (9th Cir. 2020), are vacated. We remand this case to the district court for further proceedings consistent with the opinions of the Supreme Court in *Pakdel* and *Cedar Point Nursery*.